

ORIGINAL

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NORTHERN DIST. OF TX
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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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UNITED STATES OF AMERICA

§

v.

§

No. 3:10-CR-163-L

§

JEFFREY BLAZE TOTH

§

§

FACTUAL RESUME

Jeffrey Blaze Toth (Toth), the defendant, Reed W. Prospere, the defendant's attorney, and the United States of America (the government) agree to the law and facts as follows:

ELEMENTS OF THE OFFENSE

Count One

Enticement of a Minor
(Violation of 18 U.S.C. § 2422(b))

In order to establish the offense alleged in Count One of the indictment, the government must prove the following elements beyond a reasonable doubt:

First: That the defendant knowingly used a facility or means of interstate commerce, that is, the telephone or the Internet, to attempt to persuade, induce, entice, or coerce an individual under the age of eighteen (18) to engage in sexual activity;

Second: That the defendant believed that such individual was less than eighteen (18) years of age; and

Third: That the defendant could have been charged with a criminal offense for engaging in the specified sexual activity.

STIPULATED FACTS

The stipulated facts that support the defendant's plea of guilty to Count One of the indictment are as follows:

1. From on or about February 15, 2010, through on or about April 22, 2010, in the Dallas Division of the Northern District of Texas, and elsewhere, Jeffrey Blaze Toth, defendant, using the Internet and a cellular telephone, both facilities and means of interstate and foreign commerce, knowingly attempted to persuade, induce and entice an individual whom he believed to be a 14-year old girl to engage in sexual activity for which the defendant could be charged with a criminal offense, specifically a violation of Sec. 22.011, Texas Penal Code, that is, Sexual Assault of a Child, which makes it a crime to intentionally and knowingly engage in sexual intercourse, and other enumerated sex acts, with a child under 17 years of age, in violation of 18 U.S.C. § 2422(b).
2. More specifically, Toth admits and agrees that in February 2010, he initiated contact with "Alecia, " an individual whose online profile described her as a 14-year old female from Garland, Texas, in an Internet chat room at Yahoo.com. Toth agrees and admits that he is 54-years old. Toth agrees and admits that over the course of the next two months, he engaged in approximately 19 chats with "Alecia," and that during these chats, he often directed sexually explicit comments toward her, described sexually explicit conduct that she could perform on herself, or discussed sexually explicit conduct that he would like to engage in with her.

3. In addition to the sexually explicit nature of the chats, throughout the 19 chat sessions, Toth sent "Alecia" a total of 124 sexually explicit photographs via Yahoo! photo share. These photographs depicted what appeared to be young teen-aged girls engaged in deviate sexual intercourse and performing sexual acts. Further, Toth admits that on March 1, 2010, he sent "Alecia" two morphed images of child pornography that he created on his computer, including one he called "Naughty Alecia," by using a photo of "Alecia" and pasting her face onto the body of another young female performing oral sexual intercourse on a male in a separate image. Toth acknowledges that the photos of "Alecia" were photos of a real individual taken when she was 14-years old. Toth also admits that during some of their online chats he turned on his webcam and exposed his erect penis, masturbated, and placed his finger into his anus while "Alecia" watched.

4. In April 2010, Toth arranged to meet "Alecia" at her apartment in Garland, Texas to engage in sexual acts with her. Toth admits he sent "Alecia" text messages from his cell phone to maintain contact with her during his drive from Austin, Texas to Garland, Texas. Toth further admits and acknowledges that he believed "Alecia" was only 14-years old.

5. Toth admits and acknowledges that his chats via the Internet and texts via cellular telephone with "Alecia" were designed, in part, to entice and persuade "Alecia" to engage in sexual acts, including sexual intercourse, with him.

6. Toth also agrees and admits that on or about April 22, 2010, and after having

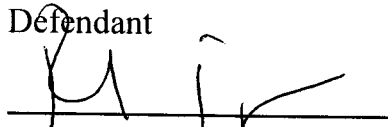
knowingly and voluntarily waived his *Miranda* rights, he admitted to Garland Police Detective Craig "Tony" Godwin that he had been communicating via Yahoo! Instant Messenger with a 14-year old girl named "Alecia," that he had discussed performing sexual acts on her, and that he planned to meet her at her apartment where he was arrested. Toth acknowledges that all of the admissions he made to Detective Godwin were true and correct.

7. Toth acknowledges that the Internet and his cellular phone are both facilities of interstate and foreign commerce.

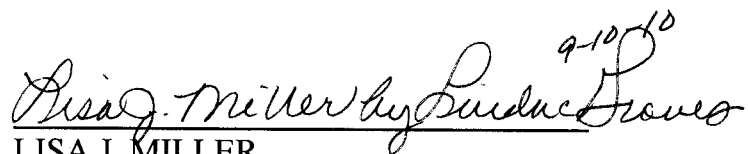
8. Toth also acknowledges that it is a crime in the State of Texas, specifically a violation of Sec. 22.011, Texas Penal Code, that is, Sexual Assault of a Child, to knowingly engage in sexual intercourse, and other enumerated sex acts, with a child under 17 years of age.

AGREED TO AND SIGNED this 10th day of September 2010.


9/9/2010
JEFFREY BLAZE TOTH
Defendant


9/9/10
REED W. PROSPER
Attorney for the Defendant

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9-10-10
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